

EDMISTEN, JUSTIN
Name

4569 N. State Rte. - 490

White Pine County, Ely NV 89301-1989
Address

E.S.P./7B-19B (1047583)
Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDMISTEN, JUSTIN
Plaintiff,

vs.

SUCIDO,
WEILAND, JAMES,
GITTERE, WILLIAM

Defendant(s).

CASE NO. 3:21-cv-00245-MMD-W6C
(To be supplied by the Clerk)

Rule 15. Ca, Ca,
A M E N D E D
CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

"JURY TRIAL DEMANDED"

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Justin James Edmisten
(print Plaintiff's name)

who presently resides at 4569 North State Rte. 490, Ely Nevada 89301-1989, were
(mailing address or place of confinement)

violated by the actions of the below named individuals which were directed against

Plaintiff at E.S.P./White Pine County on the following dates
(institution/city where violation occurred)

April 6TH, 2021, April 6TH, 2021 and August 8TH, 2021
(Count I) (Count II) (Count III)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant _____ resides at _____
(full name of first defendant) (address of first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was acting
under color of law: _____

3) Defendant GITTERE, WILLIAM resides at E.S.P./P.O. Box 1989, 89301
(full name of first defendant) (address of first defendant)
and is employed as HEAD WARDEN This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ____ official capacity. (Check one or both). Explain how this defendant was acting
under color of law: Defendant Employed By (N.D.O.C.)
Works As (Head Warden), Under Color Of Law

4) Defendant _____ resides at _____
(full name of first defendant) (address of first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was acting
under color of law: _____

5) Defendant _____ resides at _____
(full name of first defendant) (address of first defendant)
and is employed as _____ This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was acting
under color of law: _____

5) Defendant SUCIDO, resides at E.S.P./P.O. Box 1989, 89301, and is employed as (C/o). This defendant is sued in his/her

☒ individual ___ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Defendant Employed By (N.D.O.C.)
Works As (C/o), Under Color Of Law.

6) Defendant WEILAND, JAMES resides at E.S.P./P.O. Box 1989, 89301, and is employed as (C.E.R.T.-S C/o). This defendant is sued in his/her

☒ individual ___ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Defendant Employed By (N.D.O.C.)
Works As (C.E.R.T.-S C/o), Under Color Of Law.

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

28 U.S.C. § 1350, Sec 3, (b), (1), (2)(A).

B. NATURE OF THE CASE

8) Briefly state the background of your case.

Once Protested A 72 Hour Shower, Yard, During Early Morning Med. Pass
By Capture Cell Food Port While (SUCIDO) Holding Protective Shield
Inflicted Several Wounds By Knife Me With His Huge "STATE
ISSUED", Key Causing Severe Gashes And Bleeding Of Upper-Right
Fore Arm! Upon Escort To Infirmary For Surgery (WEILAND)
While Under Heavy Restraints Leg-Sweep Me Smear Face Plus Threats, etc....

III.

C. CAUSE(S) OF ACTION

CLAIM¹

The following civil rights have been violated: 8TH AMENDMENT VIOLATION-
"EXCESSIVE FORCE."

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

(SUCIDO), While I Captured My Cell Food Port Protesting My 17 1/2 Hour Shower Yard Group 2 Day While Holding A "HRP" Plexy Glass Shield During Early Med-Pass Hours Started Stabbing Me With His "STATE ISSUED" Service Key Which Is Roughly 6 Inches Long In My Upper-Right Fore Arm Causing Several Gashes Which Required 3 Sections Of Stitches, A Significant Blood Loss Looked Like A Murder Scene Occured! My Right Fore Arm Also Was Swollen And Shattered For Roughly A Whole Week 3/4 Half Feeling His Intentionally Wantonness Plus UnNecessary Application Of Force Surrounding The Reasonably Perceived Relationship Between That And The Amount Of Force Exerted On Me! He Could Have Just Walked Away And Dispatched A Shift Command To Make Efforts To Temper The Severity Of A Forceful Response By Inflicting 1 1/2 Inch Deep Wounds On Me! WHITLEY V. ALBERS, 475 U.S. 312 (1986). The Force Applied "Maliciously And Sadistically For Very
 IV.A.

CLAIM 1 (CONT'D)

The following civil rights have been violated: **8TH AMENDMENT VIOLATION - "EXCESSIVE FORCE"**

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Purpose OF Causing Harm" Then He Pretty Much After Just Carry On Finishing The Med. Pass After Slam Cell Food Port Shut Letting Me Somewhat Bleed Out! I Managed To Get **Ms. Hunt LPN** Eye-Witness Attention Showed Her My Wounds Right After Incident Transpired... Given The Situation I Was Behind A Locked-Door And Was Unarmed So There Without A Very Real Threat OF Harm Toward Either Members So The Situation Seems Unjustified, Accordingly!

IV.B.

CLAIM 2.

The following civil rights have been violated:

**14TH AMENDMENT VIOLATION -
"TORTURE VICTIM PROTECTION ACT OF 1991"**

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

(WELAND), En Route To Infirmary For Surgery I Under Heavy Restraints (Ceg; Leg Shackled, Hand Cuffed W/ Lead Leash) Already Banged UP From Attenuated Incident Lodged Numerous Degrading Remarks And Threats OF Infliction Of More Severe Physical Pain Or Suffering (Ceg; Bring Your Cock Holster Here And Cuff UP Or Else Get Extracted, I'll Bong You Head OFF Every Wall 10 Times Over Again There Witting) Then As Being Almost Reaching The Phase II Infirmary Crossing Gates I Saw The Warden And Say Fuck You He Then Started Twisting My Right Thumb Trying To Dislocate It At A Awkward Angle I Jerk My Head Right Toward's Him Cause It Hurt He Say Look Forward I Say Quit Twisting My Right Thumb He Then Leg Sweep Me And My Right Shoulder Pressed Down Hard On Pavement Plus Started Smearing My Face On Ground Which Caused

VIA.

(Additional pages, if needed; identify what is being continued.)

CLAIM 2. 14TH AMENDMENT VIOLATION - "TVPA OF 1991"

Deep Scapes And Bruising And Scars! Sometime
 I Suffer Mental Pain Resulting In Prolonged
 Nightmares Wake Up With Cold Sweats
 In The Mid Night! I Think He Knows I'm
 A Gay Individual Do To Prior Room Searches
 And Seen The Pictures On My Walls And
 That's Why Made The "DISCRIMINATORY"
 Degrading Remark In First Instance Either
 Of Grapevine Of Co Workers And He Did Not
 Do This In A Good Faith Effort To Maintain Or
 Restore Discipline Which He Claim "SPONTANEOUS"
 But I Never Quarrel Some To Begin With,
 Accordingly! HUDSON V. McMILLAN, 503 U.S. 1
 (1992). While Prison Officials Are Afforded Broad Discretion
 In Maintaining Order, They Are Not Justified In Using Any Amount Of
 Force When The Threat Of Disorder Has Subsidied.
 Spain V. Procunier, 600 F.2d 189 (9th Cir. 1979).

VII.B.

COUNT

3

The following civil rights have been violated:

8TH AMENDMENT

VIOLATION- "SUPERVISORY LIABILITY"

Supporting Facts (Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights):

(GITTERE) Impliedly Condones These Officers Behavior Due To The Fact I Expressly Informed The (I.F.) I Wanted Press Charges Against (SUCIDO), He Says Would Tell The Warden My Request, Then Instead On August 8th, 2021 (SUCIDO), Still Employed And Is Working Around Me At Med. Pass Again Early Morning Time! He Was Also At The Scene When Under Heavy Restraint And Supervised Presence When (WEILAND), Slamed Me On The Concfete Scenario! He Failed To Take Reasonable Steps To Protect The Victim Of Another Officers Use Of Excessive Force Plus Should Be Held Personally Liable For His Non Feasance, Accordingly SKRTICH V. THORNTON, 280 F.3d 1295 (2002). Crosby V. MATTHEWS, 480 F.3d 1265 (2007).

VII.

D. REQUEST FOR RELIEF

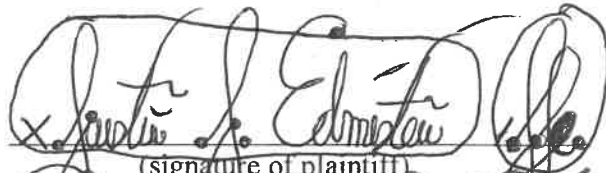
I believe I am entitled to the following relief:

Compensational Damages -
7,400,000 For "EXCESSIVE FORCE".

Punitive Damages - Criminal Charges And Whatever
Other Monetary Award Seems Just, Fair, Equitable
For "Pain & Suffering", "Mental Anguish",
"Assault & Battery", ETC.....

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(name of person who prepared or helped
prepare this complaint if not the plaintiff)


(signature of plaintiff)
Sept. 27, 2021
(date)

~~IX~~